

EXHIBIT D



WILLIAMS, PORTER, DAY & NEVILLE P.C.
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July 23, 2024

VIA E-MAIL ONLY

Paula Colbath
pcolbath@loeb.com

Alex Inman
ainman@loeb.com

Marc Gottlieb
msg@orllp.legal

Marc Feinstein
mfeinstein@omm.com

Re: Deposition Scheduling, Plaintiff's continued concerns, Zoom as
International Solution

Dear Paula, Marc and Marc:

I write in follow-up to my July 15, 2024 conferral letter regarding deposition scheduling.

Plaintiff's concern remains that your clients may be trying to dodge depositions.

I'm attaching to this letter Judge Carman's email yesterday and how he assumes with mediation "Zoom will feature in this solution" and notes the "international aspect of this case." It is safe to assume that Zoom will feature as a solution with depositions given the international aspect of this case, as well.

Please see my updated deposition schedule below. I scheduled John Kenyon Hayward on September 6, 2024 per your expert designation yesterday.

I am also enclosing the Notice of Deposition for Erick Rengifo's deposition on Friday, August 2, 2024. Paula earlier informed me that Dr. Rengifo was unavailable to be deposed from August 5-31, 2024 (because of his vacation, so I am accommodating Dr. Rengifo by scheduling his deposition on August 2, 2024).

I am also enclosing the Notice of Depositions for Chong Wang on Tuesday, August 6, 2024, and Ran Cheng on Friday, August 9, 2024.



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We look forward to working with you and finalizing the deposition schedule for Plaintiff and Defendants.

Best regards,

Patrick J. Murphy

Deposition Zoom Scheduling

- **Erick Rengifo** (MineOne, Terra, Bit Origin) **August 2, 2024** via Zoom from Defense counsel's office in New York.
- **Chong Wang** (MineOne, Terra, Bit Origin) **August 6, 2024** via Zoom
- **Ran Cheng** (Bitmain) **August 9, 2024** via Zoom
- **Huaili Zhang** (MineOne, Bit Origin) **August 19, 2024** via Zoom
- **Micree Zhan** (Bitmain) **August 20, 2024** via Zoom
- **Xiaping Cao** (Bit Origin) **August 20, 2024** via Zoom
- **Jiaming Li** (MineOne, Terra Crypto, Bit Origin) **August 23, 2024** via Zoom
- **John Kenyon Hayward** (Defendants' Expert Witness) **September 6, 2024**
- Rule 30(b)(6) witness of Bitmain Georgia, **September 8, 2024** (topics for examination to be provided)
- **"Easen"** (Bitmain) **September 9, 2024** via Zoom
- **"Jason"** (Bitmain) **September 9, 2024** via Zoom
- **Zhou Feng** (Bitmain) **September 10, 2024** via Zoom
- **Nuolin Lin** (Bitmain) **September 10, 2024** via Zoom
- **Cho Zhu** (MineOne / Terra Crypto) **September 11, 2024** via Zoom
- **Ziyao Shao** (MineOne / Terra Crypto / Bit Origin) **September 11, 2024** via Zoom
- **Henry Li** (MineOne / Terra Crypto / Bit Origin) **September 12, 2024** via Zoom
- **"Mark"** (MineOne / Terra Crypto / Bit Origin) **September 12, 2024** via Zoom
- Rule 30(b)(6) witness of MineOne Wyoming **September 13, 2024** (topics for examination to be provided)
- **Zihan Zhang** (MineOne) **September 15, 2024** via Zoom

Patrick Murphy

From: Mark Carman <Mark_Carman@wyd.uscourts.gov>
Sent: Monday, July 22, 2024 2:59 PM
To: Marc Gottlieb
Cc: Patrick Murphy; Paula Colbath; Khale J. Lenhart; Meggan Hathaway
Subject: Re: Asking Your Honor To Mediate our BCB/MineOne/Bitmain Georgia Case

I expected issues in this regard due to international aspect of this case. I think it is unlikely we can ever get all the parties in one location. What I expect from you is an alternative option which will allow the substantive involvement of those persons necessary to resolve this matter. I assume Zoom will feature in this solution.

The mediation will remain on schedule.

Thanks

Mark
Sent from my iPhone

On Jul 22, 2024, at 2:42 PM, Marc Gottlieb <msg@orllp.legal> wrote:

CAUTION - EXTERNAL:

Your Honor

Please excuse this unusual email. As you know, I represent Defendants Bit Origin and SonicHash in the BCB Cheyenne v MineOne litigation. I have avoided to the extent possible this type of ex parte back and forth with the Court. But given your recent order and the extremely limited time between now and our scheduled mediation, I feel compelled to write Your Honor to advise as soon in advance as possible that my clients are incapable of complying with your recent order which requires our clients' in-person appearance at the mediation scheduled for July 29-30, 2024. There is simply insufficient advance notice to accommodate the Court's Order.

As you may recall, I was tasked with serving as defendants' lead negotiator when it came to trying to negotiate a possible settlement with Plaintiff. When I approached Patrick Murphy about my proposal to mediate this matter, I did so with the understanding that we would try to keep things as simple as possible - avoid overburdening the parties by requiring comprehensive pre-mediation submissions, evidence books, etc., and we certainly never discussed representatives from defendant companies having to be present in Wyoming on those dates. Had I known this was going to be a requirement, we would never have discussed mediation dates so soon into the future.

In light of the Court's recent order, we tried to secure our clients' presence in the U.S. on the dates in question but we have been advised this is impossible. In order to avoid violating Your Honor's order, I would respectfully request our mediation be adjourned to a future date that gives us the appropriate amount of time to arrange for our clients to be present in person or at the very least virtually. I believe you may also hear from other defense counsel with a similar message. The purpose of the mediation was to avoid this type of additional expense, not to add to it.

Before all of us go to the trouble and expense of booking our flights, hotels, etc., speaking for my clients, I feel compelled to raise this issue with the Court in order not to run afoul of the Court's order. To the extent the Court desires to have a follow-up call with counsel about this issue, I will of course make myself available. Thank you for the Court's consideration of this request.

Marc S. Gottlieb

From: Mark Carman <Mark_Carman@wyd.uscourts.gov>
Sent: Friday, July 12, 2024 10:50 AM
To: Patrick Murphy <pmurphy@wpdn.net>
Cc: Marc Gottlieb <msg@orllp.legal>; Paula Colbath <pcolbath@loeb.com>; Khale J. Lenhart <KLenhart@hirstapplegate.com>
Subject: RE: Asking Your Honor To Mediate our BCB/MineOne/Bitmain Georgia Case

You don't often get email from mark_carman@wyd.uscourts.gov. [Learn why this is important](#)

I have reviewed my calendar and I can make a two-day mediation work on those dates. It's a little tight and I may need to handle some criminal matters during the mediation. I would suggest we start a little later Monday at 10 am. I will still rule on the pending discovery matter but will hold off on any other work on this matter until after the mediation. After my departure, the referral work in this case will return to Judge Hambrick.

Mark

Mark L. Carman
 United States Magistrate Judge
 District of Wyoming

From: Patrick Murphy <pmurphy@wpdn.net>
Sent: Friday, July 12, 2024 8:07 AM
To: Mark Carman <Mark_Carman@wyd.uscourts.gov>
Cc: Marc Gottlieb <msg@orllp.legal>; Paula Colbath <pcolbath@loeb.com>; Khale J. Lenhart <KLenhart@hirstapplegate.com>
Subject: Asking Your Honor To Mediate our BCB/MineOne/Bitmain Georgia Case

CAUTION - EXTERNAL:

Good morning, Judge Carman—

Following our hearing yesterday, Marc Gottlieb and I visited. And Marc is in very close touch with Paula. Our clients – Plaintiff BCB and Defendants MineOne, Terra Crypto, SonicHash and Bit Origin -- accept Your Honor's offer to mediate our case.

Specifically, if your schedule could accommodate this, we would like to come to Cheyenne to mediate with you on Monday and Tuesday, July 29-30. We don't know if our mediation would take two full days, but Marc and I think it is best to plan on a two-day mediation given the complexity of this case.

Marc and I have agreed that Marc and Paula would come to Cheyenne for the [proposed] mediation. We don't yet know if they would have a client representative(s) attend the mediation, but they are checking on this.

BCB would have me, Michael Murphy, Sean Murphy and possibly Emory Patterson attend the mediation.

I haven't yet done this, but I will invite Defendant Bitmain Georgia to attend this global mediation with us. I have a call in to Khale Lenhardt to invite Bitmain Georgia to attend the mediation with us. Marc Gottlieb and I agree that Bitmain Georgia should mediate with us.

This would be a global mediation of all claims, all defenses, all parties.

Is this something you could do for all of us, Your Honor?

Finally, with all that we have written and filed in this case, we don't anticipate we would need to prepare terribly extensive Confidential Mediation Submissions in advance of the mediation. But certainly the parties should provide you with some sort of Mediation Submissions in advance of the mediation. We would follow your lead in what you would like from counsel.

Marc, Paula and I (and, hopefully, Khale) appreciate your willingness to tackle our case with a mediation at the end of this month (before the parties ramp up with depositions in early August).

Can you please look at your judicial and life calendars to see if you mediate with us on July 29-30? Counsels' schedules are very challenging, and we really do need to do this on July 29-30 (if Your Honor can).

Thank you, Judge Carman.

Pat Murphy
(307) 262-2872 (cell)

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